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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/777,251 | 02/12/2004 | Keith E. Kropf | P06716US0 | 5403 |
| 34082 | 7590 | 10/06/2005 | | |
| ZARLEY LAW FIRM P.L.C. CAPITAL SQUARE 400 LOCUST, SUITE 200 DES MOINES, IA 50309-2350 | | | EXAMINER BOGART, MICHAEL G | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3761 | |

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,251

Applicant(s)

KROPF ET AL.

Examiner

Michael G. Bogart

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 17 May 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ives US 6,454,748 B1).

Regarding claim 1, Ives teaches a disposable diaper (10) comprising:

a diaper body (26) having an outer surface;

a first layer (44) secured to the diaper body;

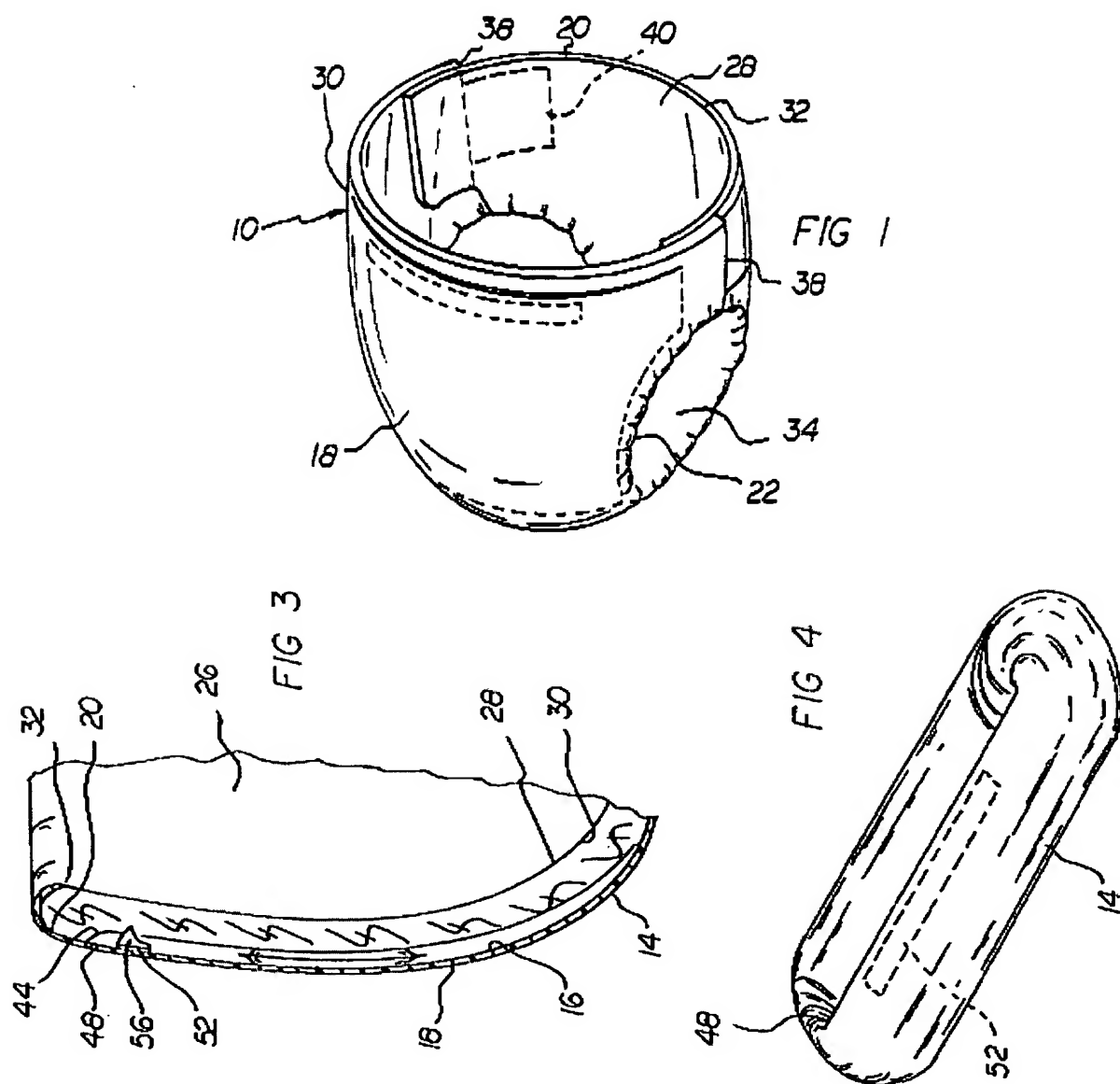
a second layer (14) secured to the diaper body to form a pocket between the first and second layer; and

a means for sealing the pocket (52) for containing waste and odor (see figures 1, 3, and 4, below).

Regarding claim 2, Ives teaches that the first layer (44) and the second layer (14) are waterproof (column 4, lines 8-13; column 4, lines 25-33).

Regarding claim 3, Ives teaches that the sealing means (52) is tape strip attached to a first surface of the second layer (14)(column 4, lines 39-48).

Regarding claim 4, Ives teaches that the tape strip has a releasable protective facing (56).



Regarding claim 5, Ives teaches that the sealing means (52) is an interlocking closure (e.g., Velcro®)(column 4, lines 39-48).

Regarding claim 6, Ives teaches a method for disposing of a diaper (10), comprising the steps of:

providing a diaper body (26) having an outer surface pocket (48) formed on the outer surface of the diaper body (26);

rolling the diaper body (26) inwardly toward the pocket (48);

inverting the pocket (48) to receive the diaper body (26); and

sealing the pocket (48) to enclose the diaper body (26)(column 1, line 55-column 2, line 29)(figure 4, supra).

Regarding claim 7, Ives teaches a disposable diaper (10) comprising:

a diaper body (26) having an outer surface (44);

a layer (14) secured to the diaper body (26) to form a pocket (48) between the layer (14) and the outer surface (44); and

a means (52) for sealing the pocket (48) for containing waste and odor.

Regarding claim 8, Ives teaches that the layer (14) is waterproof (column 4, lines 8-13).

Regarding claim 9, Ives teaches that the sealing means (52) is a tape strip attached to a first surface of the layer (14)(column 4, lines 39-48).

Regarding claim 10, Ives teaches that the tape strip (52) has a releasable protective facing (56).

Regarding claim 11, Ives teaches that the sealing means (52) is an interlocking closure attached (column 4, lines 39-48).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bogart whose telephone number is (571) 272-4933.

In the event the examiner is not available, the Examiner's supervisor, Tatyana Zalukaeva may be reached at phone number (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for formal communications. For informal communications, the direct fax to the Examiner is (571) 273-4933.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Michael Bogart
3 October 2005

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER
